

**IN THE UNITED STATES DISTRICT COURT  
OF THE STATE OF DELAWARE**

ELIZABETH N. OCHEFU and  
HASSAN OCHEFU

Plaintiffs,

V.

TARGET CORPORATION, a foreign corporation,

Defendant.

## NOTICE OF REMOVAL

**TO: THE HONORABLE JUDGES OF THE UNITED STATES  
DISTRICT COURT FOR THE DISTRICT OF DELAWARE**

NOW COMES Defendant, Target Corporation by and through its attorney, Kristi J. Doughty, of the firm of SCHNADER HARRISON SEGAL & LEWIS, LLP, and removes this action pursuant to 28 U.S.C. §1441, and in support thereof, Target Corporation states as follows:

## **NATURE OF STATE COURT ACTION**

1. Plaintiffs filed a Complaint in the Superior Court of the State of Delaware, New Castle County, under Docket N20C-10-125 CLS.

2. Plaintiffs' Complaint, filed on October 14, 2020, alleges that the plaintiff, Elizabeth N. Ochefu, suffered personal injuries which caused her to have pain and suffering and "all of which may be permanent." Plaintiffs' Complaint is attached hereto as Exhibit A.

3. Plaintiff alleges that she was injured as a result of the defendant's negligence, and careless and reckless opening of a chair that collapsed when plaintiff sat on it at the Target store.

4. On November 6, 2020 Target Corporation was served with a copy of Plaintiffs' complaint.

5. This Notice of Removal is timely since it was filed within thirty (30) days of receipt by the defendant Target Corporation.

6. Plaintiffs are residents and citizens of the State of Delaware. See the introductory paragraph of Plaintiffs' Complaint, Exhibit A.

7. Target is a corporation, incorporated under the laws of Minnesota with its principal place of business in Minnesota.

8. The plaintiffs are not citizens of the same state as the defendant, Target Corporation. There is complete diversity among the parties.

9. On December 2, 2020, plaintiffs' counsel, Gary Nitsche confirmed that he refused to limit the plaintiffs' damage claims to a sum not to exceed \$75,000.00. Mr. Nitsche advised that he was unable to do so because of the permanent injuries of the plaintiff. This was confirmed in a letter dated December 2, 2020, and is attached as Exhibit B.

10. Because this action is between citizens of different states, and the amount in controversy is in excess of \$75,000.00, this Court has diversity jurisdiction over the claims and this action is removable from the Superior Court of Delaware, New Castle County, to this Court.

11. All of the procedural requirements set forth in 28 U.S.C. Section 1446 are satisfied. Section 1446(a) requires a removing party to file a notice of removal in the district court of the United States for the district and division within which such action is pending. New Castle County lies in the District of Delaware.

12. In accordance with Section 1446, Target provides to the Court a copy of all process, pleadings, and orders served on defendant in the state action. See Exhibit A attached.

13. Target will file an appropriate notice in New Castle County, and will serve on plaintiffs a true and correct copy of this Notice of Removal, thus satisfying the remaining requirements specified in 28 U.S.C. Section 1446.

**WHEREFORE**, Defendant, Target Corporation, gives notice of removal of this action from the Superior Court of Delaware, New Castle County, to the United States District Court for the District of Delaware.

Respectfully submitted,

By: /s/ Kristi J. Doughty  
Kristi J. Doughty, Esquire (No. 3826)  
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Attorney for Defendant, Target Corporation

Date: December 3, 2020